

REMARKS

In the Final Office Action¹, the Examiner rejected claims 1-25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,546,001 to Semper et al. ("Semper"). By this Amendment, Applicants amend claims 1, 13-16, and 23-25. Upon entry of this Amendment, claims 1-25 remain pending.

Applicant respectfully traverses the rejection of claims 1-25 under 35 U.S.C. § 102(e) as anticipated by *Semper*. In order to properly establish that *Semper* anticipates Applicant's claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 recites a method comprising, for example:

receiving a first message including a first integer;
sending a second message including a second integer, the second message sent in response to the first message;
receiving, in response to the second message, a third message including data and a third integer, the third integer serving to authenticate the third message; and
sending, in response to the third message, a fourth message including a fourth integer, the fourth message serving to acknowledge receipt of the third message.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

(emphasis added). *Semper* does not disclose each and every element of Applicant's claimed invention.

Semper discloses "a medium access control (MAC) message acknowledgment system for acknowledging MAC messages transmitted in an RF control channel between the wireless communication device and a remote communications unit" (col. 2, lines 17-21). A MAC acknowledgment request system is implemented in both a base transceiver station and mobile units. The MAC acknowledgment request system receives an incoming MAC message packet from the transceiver station, and the MAC acknowledgment control processor strips off the header and sends the resulting incoming MAC message unit to the MAC layer (col. 6, lines 1-5).

The Examiner cites col. 6, lines 49-53 as allegedly corresponding to the claimed second message sent in response to the first message and states that "Semper et al. discloses sending a second MAC message packet containing an acknowledgment of a second MMU previously transmitted by the receiving device. The control field for the second message is the binary value 01" (Office Action at pages 2 and 4). This is not correct.

This passage of *Semper* describes "A control field **301** value of "01" (binary) indicates to a receiving device that the current incoming MAC message packet **300** contains a new incoming MMU **303**, but does not constitute an acknowledgment of an MMU **303** previously transmitted by the receiving device" (col. 6, lines 49-53). Thus, the current incoming MAC message packet contains a new MMU and is not sent in response to the first message. There is no teaching or suggestion in *Semper* that control field "01" corresponds to "sending a second message including a second

integer, the second message sent in response to the first message," (emphasis added) as recited in claim 1.

The Examiner cites col. 6, lines 54-59 of *Semper* to allegedly disclose the receiving, in response to the second message, a third message including data and a third integer, the third integer serving to authenticate the third message and states that "Semper et al. discloses sending a third MAC message packet containing an acknowledgment of a third MMU previously transmitted by the receiving device. The control field for the third message is the binary value 11." (Office Action at page 3). This is not correct.

This passage of *Semper* discloses "A control field 301 value of "11" (binary) indicates to a receiving device that the current incoming MAC message packet 300 contains a new incoming MMU 303 and also constitutes an acknowledgment from a transmitting device that the transmitting device has successfully received an MMU 303 previously transmitted by the receiving device." Thus, the current incoming MAC message packet constitutes an acknowledgment from a previous message and a new message. However, contrary to the Examiner's assertion, the current incoming message is not received in response to the second message. At most, the current incoming message is sent in response to a first MMU message.

Furthermore, the control field value [in *Semper*] of 11 indicates only the content of the current incoming message and does not constitute a teaching of the claimed "third integer, the third integer serving to authenticate the third message" (emphasis added). *Semper* is silent with respect to authentication and the control field does not serve to authenticate the third message. *Semper* does not teach or suggest the

claimed “receiving, in response to the second message, a third message including data and a third integer, the third integer serving to authenticate the third message.”

Therefore, *Semper* does not teach or suggest the claimed “receiving a first message including a first integer; sending a second message including a second integer, the second message sent in response to the first message; receiving a third message, in response to the second message, including data and a third integer, the third integer serving to authenticate the third message; and sending, in response to the third message, a fourth message including a fourth integer, the fourth message serving to acknowledge receipt of the third message,” (emphasis added) as recited in claim 1.

Accordingly, *Semper* cannot anticipate claim 1. Thus, claim 1 is allowable for at least these reasons, and claims 2-12 are also allowable at least due to their depending from claim 1.

Independent claims 15, 16 and 24, while of different scope, recite limitations similar to those of claim 1 and are thus allowable over *Semper* for at least the same reasons discussed above in regard to claim 1. Moreover, claims 17-22 are also allowable at least due to their dependence from claim 16.

Regarding independent claims 13, 14, 23, and 25, the Examiner maintained the previous citation to col. 6, lines 1-26 of *Semper* to allegedly disclose every element of the claims. This is not correct. This passage of *Semper* discloses the header and MMU 303. MMU 303 may be 21 bits long, and MAC acknowledgment control processor 211 “maintains a 1-bit internal received sequence number (IRSN) 221 in memory 213 that holds the sequence number 302 of the last incoming MMU 303 that was sent to MAC layer 201” (col. 6, lines 12-15). “MAC acknowledgment control processor 211 compares

sequence number 302 of new incoming MMU 303 to IRSN 221,” and incoming MMU 303 is sent to MAC layer 201 “only if sequence number 302 does not match IRSN 221” (col. 6, lines 17-21).

According to this passage of *Semper*, a 1-bit internal received sequence number (IRSN) 221 of the last incoming MMU 303 is maintained in memory 213. This number is compared with the sequence number of the new incoming MMU 303. If they do not match, the incoming MMU is sent to MAC layer 201. In contrast, claim 13 requires “receiving a request to send message, the request to send message including a first integer; sending, in response to the received request to send message, a clear to send message including the first integer and a second integer; receiving, in response to the clear to send message, a data message including the second integer, the second integer serving to authenticate the data message; and sending, in response to the received data message, an acknowledgement message including the first integer” (emphasis added). Applicant submits that *Semper* does not teach or suggest these elements and that the Examiner has not cited the specific portion of *Semper* that allegedly corresponds to the claimed “request to send message,” “clear to send message,” “data message,” and “second integer serving to authenticate the data message.”

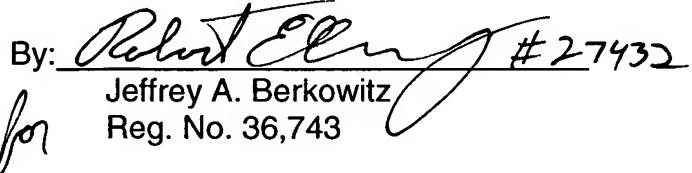
Accordingly, *Semper* cannot anticipate claim 13. Thus, claim 13 is allowable for at least these reasons. Independent claims 14, 23, and 25, while of different scope, recite limitations similar to those of claim 13 and are thus allowable over *Semper* for at least the same reasons discussed above in regard to claim 13.

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

Dated: December 11, 2007

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